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10/738,370	12/15/2003	Robert T. Andrews	0201-02510	9584

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EXAMINER	
ANTONIENKO, DEBRA L	
ART UNIT	**PAPER NUMBER**
4194	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/738,370	ANDREWS ET AL.	
	Examiner	Art Unit	
	DEBRA ANTONIENKO	4194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/15/2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/01/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed on December 15, 2003.
2. Claims 1-20 are currently pending.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on April 1, 2004 has been considered by the Examiner.

Specification

4. The disclosure is objected to. Applicant is reminded that a patent application must be directed to only a single invention (see 35 U.S.C. 121). As no restrictions are required in the current application, for purposes of examination, the use of the plural of invention in all parts of the disclosure is considered to be a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite system elements as modules which can be construed as software modules; software is not within the four statutory categories of eligible for patent protection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 6, 7, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Glynn, U.S. Patent Number 6,658,192 B2 (hereinafter referred to as Glynn).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Regarding Claim 1:
Glynn teaches a method for provisioning a span for digital services, comprising:
receiving an order for the digital services ***(in response to demand)***;
using order data to obtain an assignment of components for the digital services;
using the order data and the assignment of components to obtain equipment data; and
using the order data, the assignment of components, and the equipment data to create a span design for the provision of digital services (Abstract; column 22, lines 23-28; column 24, lines 3-6).

Regarding Claim 2:
Glynn teaches the limitations of Claim 1 as described above.
Glynn further teaches conducting an administrative review of the span design (column 24, lines 3-30 and lines 49-53).

Regarding Claim 6:
Glynn teaches the limitations of Claim 1 as described above.

Glynn further teaches wherein each component conforms to one or more rules (column 24, lines 3-30).

Regarding Claim 7:
Glynn teaches the limitations of Claim 2 as described above.

Glynn further teaches wherein conducting the administrative review of the span design comprises checking whether each component conforms to one or more rules (column 24, lines 3-30).

Regarding Claim 15:
Glynn teaches a system for provision of a span design for digital services, comprising:
a main module for receipt of an order for the digital services;
the main module being operative to provide order data from the order to an assignment control system (ACS);
the ACS being operative to make an assignment of one or more components for the digital services, and to provide the main module with assignment data relating to the assignment;
the main module being operative to provide the assignment data to an inventory module (IM) ***(reference data base)***;
the IM being operative to use the assignment data to determine equipment data, and to provide the equipment data to the main module; and
the main module being operative to use the order data, the assignment data, and the equipment data to create the span design for the digital services (see Claim 1).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 3-5, 8-14, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glynn in view of McDonald et al., U.S. Patent Number 6,704,030 B1 (hereinafter referred to as McDonald).

Regarding Claim 3:
Glynn teaches the limitations of Claim 1 as described above.

Glynn does not teach wherein the span design is created based on a hierarchy of the components.

However, McDonald discloses wherein the span design is created based on a hierarchy of the components (column 1, lines15-22; column 7, lines 27-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glynn's invention to incorporate McDonald's hierarchy of components in order to facilitate span design.

Regarding Claim 4:
Glynn and McDonald teach the limitations of Claim 3 as described above.

Glynn does not teach wherein the hierarchy of the components comprises: elements, segments, and architectures.

However, McDonald further discloses wherein the hierarchy of the components comprises: elements, segments, and architectures (column 1, lines15-22; column 7, lines 27-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glynn's invention to incorporate McDonald's hierarchy of elements, segments, and architectures in order to facilitate span design.

Regarding Claim 5:
Glynn and McDonald teach the limitations of Claim 3 as described above.

Glynn does not teach wherein the hierarchy of the components comprises: elements, segments with each segment including one or more of the elements, and/or architectures with each architecture including one or more segments.

However, McDonald further discloses wherein the hierarchy of the components comprises: elements, segments with each segment including one or more of the elements, and/or architectures with each architecture including one or more segments (column 1, lines15-22; column 7, lines 27-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glynn's invention to incorporate McDonald's nesting hierarchy of elements, segments, and architectures in order to facilitate span design.

Regarding Claim 8:
Glynn teaches a method for creating a span design for digital services, comprising: …receiving an order for digital services; and using order data … (see Claim 1).

Glynn does not teach developing templates for use in creating span designs; … to select one or more of the templates as a span design for the order.

However, McDonald further discloses developing templates for use in creating span designs; … to select one or more of the templates as a span design for the order (column 1, lines 46-63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glynn's invention to incorporate McDonald's use of templates in order to facilitate span design. Also, it would have been obvious to one of ordinary skill in the art at the time of the invention to use order data as the basis and purpose for creating span designs.

Regarding Claim 9:
Glynn and McDonald teach the limitations of Claim 8 as described above.

McDonald further teaches wherein a template comprises a representation of one or more components for provision of the digital services (column 6, lines 44-46 and lines 60-63; column 8, lines 11-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glynn's invention to incorporate McDonald's use of templates as building blocks in order to facilitate span design.

Regarding Claim 10:
Glynn and McDonald teach the limitations of Claim 8 as described above.

McDonald further teaches wherein a template comprises a representation of one or more elements, one or more segments, and/or one or more architectures (column 6, lines 44-46 and lines 60-63; column 8, lines 11-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glynn's invention to incorporate McDonald's use of templates as building blocks in order to facilitate span design.

Regarding Claim 11:
Glynn and McDonald teach the limitations of Claim 8 as described above.

Glynn teaches using the order data as the span design for the order (see Claim 1).

McDonald further teaches to select one or more architecture templates, one or more segment templates, and/or one or more element templates (column 6, lines 44-46 and lines 60-63; column 8, lines 11-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glynn's invention to incorporate McDonald's use of templates as building blocks in order to facilitate span design. Also, it would have been obvious to one of ordinary skill in the art at the time of the invention to use order data as the basis and purpose for selecting templates in order to create span designs.

Regarding Claim 12:
Glynn and McDonald teach the limitations of Claim 8 as described above.

Glynn teaches using the order data and an assignment of components as the span design for the order (see Claim 1).

McDonald further teaches to select the one or more templates (column 6, lines 44-46 and lines 60-63; column 8, lines 11-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glynn's invention to incorporate McDonald's use of templates as building blocks in order to facilitate span design. Also, it would have been obvious to one of ordinary skill in the art at the time of the invention to use order data and an assignment of components for creating span designs.

Regarding Claim 13:
Glynn and McDonald teach the limitations of Claim 12 as described above.

Glynn teaches using the order data, the assignment of components, and equipment data as the span design for the order (see Claim 1).

McDonald further teaches to select the one or more templates (column 6, lines 44-46 and lines 60-63; column 8, lines 11-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glynn's invention to incorporate McDonald's use of templates as building blocks in order to facilitate span design. Also, it would have been obvious to one of ordinary skill in the art at the time of the invention to use order data, the assignment of components, and equipment for creating span designs.

Regarding Claim 14:
Glynn and McDonald teach the limitations of Claim 9 as described above.

Glynn teaches wherein each component conforms to one or more rules (see Claim 6).

Regarding Claim 16:
Glynn teaches the limitations of Claim 15 as described above.

McDonald teaches wherein the main module is operative to create the span design based on templates (see Claim 8).

Regarding Claim 17:
Glynn and McDonald teach the limitations of Claim 16 as described above.

McDonald teaches wherein the templates comprise: one or more element templates; one or more segment templates; or one or more architecture templates (see Claim 10).

Regarding Claim 18:
Glynn and McDonald teach the limitations of Claim 16 as described above.

McDonald teaches wherein a template comprises a representation of the one or more components for the digital services (see Claim 9).

Regarding Claim 19:
Glynn teaches the limitations of Claim 15 as described above.

McDonald teaches wherein components used for implementation of the digital services are hierarchically organized based on elements, segments, and/or architectures (see Claim 4).

Regarding Claim 20:
Glynn and McDonald teach the limitations of Claim 19 as described above.

Glynn teaches wherein each of the components comply with one or more rules (see Claim 6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBRA ANTONIENKO whose telephone number is (571)270-3601. The examiner can normally be reached on Monday through Thursday, 7:30 AM to 5:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Debra Antonienko/
Examiner, Art Unit 4194
04/08/2008

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 4194